

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	:	
	:	
<b>Plaintiff,</b>	:	<b>CASE NO. 2:13-cr-008</b>
	:	
<b>v.</b>	:	<b>JUDGE SARGUS</b>
	:	
<b>GREGORY R. KNEICE,</b>	:	
	:	
<b>Defendant.</b>	:	

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**DEFENDANT'S MOTION TO SERVE HOME CONFINEMENT SENTENCE**

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Defendant, Gregory R. Kneice, respectfully moves this Court for an order permitting Defendant to serve the home confinement portion of his sentence prior to his prison sentence. The attached memorandum contains reasons in support of this motion.

Respectfully submitted,

/s/ Kort Gatterdam  
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COUNSEL FOR DEFENDANT

## **MEMORANDUM IN SUPPORT**

On January 11, 2013, the U.S. Attorney filed an Information charging Kneice with conspiracy to distribute oxycodone, a Schedule II controlled substance. (R.1, Information). Pursuant to a plea agreement also filed January 11, 2013 (R.2, Plea Agreement), on January 31, 2013, Kneice pled guilty to the Information. (R.11, Minute Entry). On June 4, 2013, this Court sentenced Kneice to 45 months of incarceration and 3 years of supervised release that includes a term of 4 months at the Alvis House, followed by 6 months of home confinement. (R.21, Minute Entry; R.22, Judgment Entry). This Court also ordered Kneice to self-surrender at the institution designated by the Bureau of Prisons.

When the U.S. Marshals informed Kneice that his report date would be July 5, 2013, Kneice filed a motion requesting an extension of time in which to report. (R.25, Motion). The basis for the motion was that on June 25, 2013, Kneice's mother was admitted to the emergency room and it was determined that she was suffering from stage 3 cancer. This Court granted Kneice's motion (R.26, Order), for which Kneice cannot thank the Court enough. He is presently scheduled to report to the BOP on August 15, 2013.

Unfortunately, the outlook for Kneice's mother has not turned out like Kneice and his family were hoping. On July 1, 2013, Ms. Kneice entered Mount Carmel Hospice with a terminal diagnosis and a life expectancy of six months or less. (See attached letter). Doctors expect her health to continually decline that will require 24-hour supervision and supportive care for all of her activities.

As this Court may be aware from Kneice's Sentencing Memorandum and the letter attached from Ms. Kneice, Greg is very close to his mother. He lost his father four years ago. He is the only immediate family member who does not have children and as indicated by the

letter from her doctors, his mother will need constant help in her final days. Kneice realizes he has committed a crime and is ready to begin serving his sentence so he can move forward with his life. However, he cannot bear the thought of not being there to help and to comfort his mother through her last days.

Accordingly, Kneice respectfully moves this Court to allow him to begin serving his six-month home confinement sentence now rather than his prison sentence. This will allow Kneice to continue aiding his mother and to be there during her last days. Kneice appreciates the Court even considering his request and would not burden the court with this if it were not a very important request.

Kneice is cognizant of the important tool house arrest serves for individuals who have recently served a prison sentence. However, Kneice is already scheduled to be transitioned to Alvis House upon release from prison. Moreover, he has no prior record, has a stable relationship, a house, a job working from home and has shown no signs of returning to the life that brought him before this Court.

From the beginning of this case, Kneice has been cooperative with the Government and this Court. Kneice has not had any issues while under pretrial supervision, and is not a flight risk. The Government has been informed of this matter and does not oppose Kneice's request.

For all the foregoing reasons, Defendant, Gregory Kneice asks this Court to order him to begin serving his six-month home confinement sentence, and to order him to report to the Bureau of Prisons upon completion of his home confinement sentence. If house arrest is granted, Kneice requests the ability not only to continue his work (which is out of his home) but to be permitted

to go to hospice to be with his mother for a certain period of time every day as coordinated with his house arrest officer as well as to attend church on Sundays.<sup>1</sup>

Respectfully submitted,

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COUNSEL FOR DEFENDANT

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 29, 2013, he electronically filed the foregoing Motion to Serve Home Confinement Sentence with the Clerk of Court using the CM/ECF system, which will send notification of such filing to Kenneth F. Affeldt, Assistant United States Attorney, Counsel for Plaintiff.

/s/ Kort Gatterdam  
Kort Gatterdam

050-490-359948

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<sup>1</sup> Counsel is obviously available should this Court have any further questions that can be addressed through a status conference.



MOUNT CARMEL  
Hospice

1144 Dublin Road • Columbus, Ohio 43215-1039 • (614) 234-0200  
mountcarmelhealth.com

July 23, 2013

This letter is written at the request of the family of Anna Kneice. Mrs. Kneice entered the care of Mount Carmel Hospice on July 1, 2013 with a terminal diagnosis and a life expectancy of six months or less.

While under the care of Mount Carmel Hospice, Mrs. Kneice has experienced, and is likely to experience, a continual decline in health that requires twenty-four hour supervision and supportive care with all activities of day living.

Please feel free to contact me with additional questions or concerns.

Sincerely,

Christopher Cavender, LISW-S  
Mount Carmel Hospice

Dr. Walter Ferris, MD  
Mount Carmel Hospice